MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2021/2022

PIL0014 – INTRODUCTION TO LAW

(Foundation of Management)

17 AUGUST 2022
9.00 a.m. – 11.00 a.m.
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **6** pages with 32 questions only excluding the cover page.

2. Answer **ALL** questions in Sections A, B and C. The distribution of marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

SECTION A – TRUE/FALSE QUESTIONS (30 MARKS)

1. Minnie Mouse buys a ticket for a concert to be performed by an English singer cum songwriter, Adele at Arena of Stars, Genting Highland. Unfortunately, the concert is cancelled due to Adele's health condition. She may obtain her refund from the organiser under contract law.

2. All sources of unwritten law are undocumented.

3. The case of *Democratic Republic of Congo v Uganda (2002)* is an example of a case under international law.

4. Public law only covers criminal law whilst private law includes tort, contract law, constitutional law and others.

5. When a Chief Judge in High Court follows the previous decision made by the court of the same rank, the Judge applies the vertical application of the Doctrine of Binding Judicial Precedent.

6. Miss Elsa wants to sue her former employee for defamation. As a plaintiff, it is her responsibility to prove to the court on the balance of probabilities to win the case.

7. Any decision by the Court of Appeal must be heard by at least three judges.

8. The court recognises a Chinese marriage established under customary law based on the case of *Ching Kwong Kuen v Soh Siew Yoke [1982] 2 MLJ 139.*

9. Mrs. Anna paid a deposit of RM 27, 000 to Mr. Goofy for a custom-made bicycle in September 2021. However, Mr. Goofy refused to execute the contract. Mrs. Anna may initiate her action to reinstate the deposit given in Sessions Court.

10. Criminal law is part of civil law.

11. Public bills are initiated by the non-governmental organisations.

12. Dato' Donald and Datin Daisy are husband and wife. Dato' Donald is a State Assemblyman for Petaling Jaya while Datin Daisy is a famous socialite. She recently files a divorce petition after she found out that her husband is having an affair. The case falls under public law because it involves public figure.

13. The Geographical Indications Act 2022 is an example of positive law.

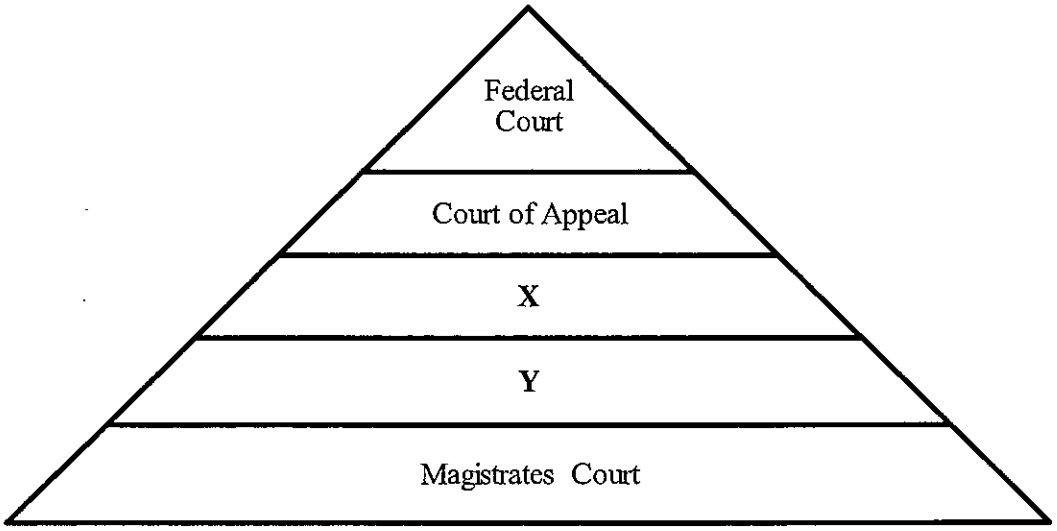
14. The Doctrine of Constitutional Supremacy applies in Malaysia because the Federal Constitution is the supreme law of the land under Article 4(1) of the Federal Constitution. The Constitution limits the power of the government to make law.

15. The House Buyers Claim Tribunal may hear claims regarding abandoned housing projects.

Continued.....

SECTION B: MULTIPLE CHOICE QUESTIONS (30 MARKS)

16. Which of the following statements is **CORRECT** to describe Federal Constitution?
    A. It guarantees the universal rights of individuals.
    B. It is not an amendable document.
    C. It is an example of positive law because it is made by the government.
    D. It is a written law because it is made by the State Legislative Assembly.



Picture 1

17. With reference to *Picture 1*, which of the following amounts fall within the civil jurisdiction of **X** and **Y**?

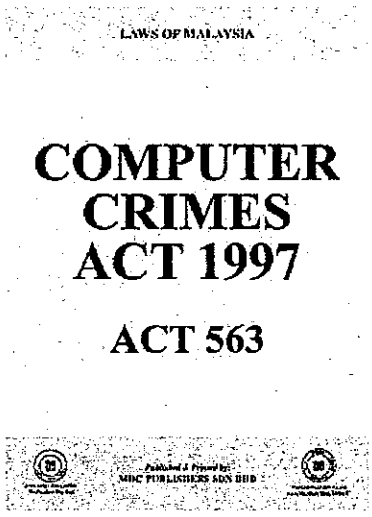
	X	Y
A.	RM2,198,100	RM1,700,000
B.	RM1,050,000	RM194,378
C.	RM2,400,000	RM56,000
D.	RM38,000	RM825,003

18. Constitutional law can be defined as _____.
    A. the structure of the principal organs of government and their relationship to each other, and determine their principal functions and the rights of individual under that government.
    B. choices of law within a conflict of private transaction.
    C. law which governs independent nations in their relationships with one another.
    D. body of legal principle which concern the rights and duties arising from the impact upon the individual of the actual functioning of the executive instrument of the government.

Continued.....

19. Peter Pan is an employee of Disneyworld Berhad. He receives a salary of RM1370 per month. Recently, the company terminates him without any justification. He can take legal action against his company in _____.
    A. Labour Court
    B. Industrial Court
    C. Small Claims Court
    D. Employment Court

20. The followings are subsidiary legislation, **EXCEPT**:
    A. The Uniform Building By-Laws 1984
    B. The Fire Services (Designated Premises) Order 1998
    C. The Food Regulations 1985
    D. The Mutual Assistance in Criminal Matters Act 2002



Picture 2

21. Who has the authority to enact the law in *Picture 2?*
    A. The Legislation
    B. The State Assemblies
    C. The House of Representatives
    D. The Legislative

22. Which of the following statements is **TRUE** on *Adat Perpatih*?
    A. It is similar to the Syariah law.
    B. It recognises matrilineal system inherits the customary land only to daughters as only female lineage have the right to inherit their family's ancestral land.
    C. It recognises patrilineal system where the son is entitled to inherits in a ratio of 2:1 from daughter.
    D. It includes Undang-Undang Melaka or Risalat Hukum Kanun, Undang-Undang Kerajaan of Pahang, the Kedah Digest, the Ninety-Nine Laws of Perak.

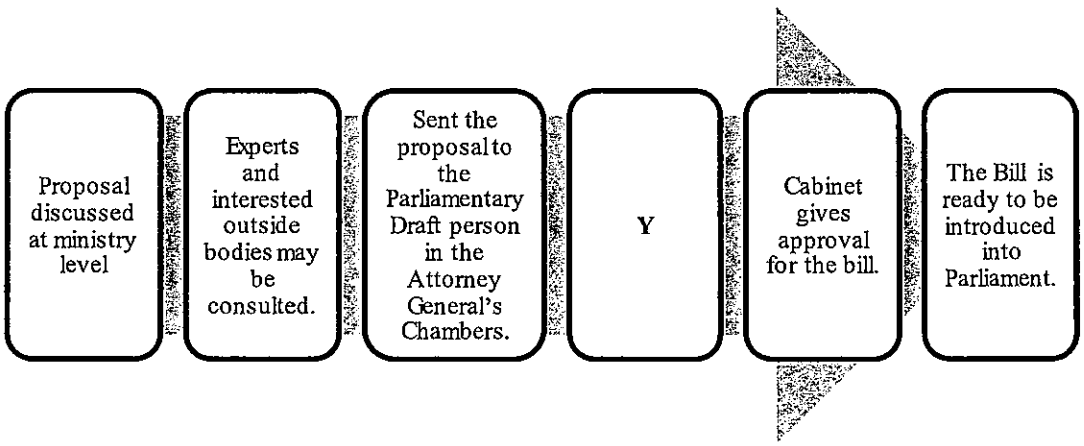
Continued.....

I.	*Metramac Corporation Sdn Bhd v Fawziah Holdings Sdn Bhd (2006)*
II.	*Singapore v Malaysia (1998)*
III.	*Dato' Sri Mohd Najib bin Hj Abd Razak v PP (2021)*
IV.	*PP v Kok Wah Kuan (2007)*

Table 2

23. Based on *Table 2*, which of the following are example of public law cases?
    A. I and II only
    B. II and III only
    C. III and IV only
    D. I and IV only

24. Which of the following statements is **TRUE** to describe the decision made by Martial Court?
    A. The Court has jurisdiction over any member of the various military forces in the Federation.
    B. The Court cannot try any offences punishable with death penalty.
    C. The Court cannot try any offences committed outside Malaysia.
    D. A convicted person under this Court can only be sentenced by unanimous decision.


Proposal discussed at ministry level
Experts and interested outside bodies may be consulted.
Sent the proposal to the Parliamentary Draft person in the Attorney General's Chambers.
Y
Cabinet gives approval for the bill.
The Bill is ready to be introduced into Parliament.

Picture 3

25. Based on *Picture 3*, what is **Y** in the legislative process?
    A. The text is printed and distributed.
    B. The proposal becomes Bill.
    C. Debate will take place.
    D. Less formal discussion will be conducted.

26. Miss Tinker Bell, represented by her trade union in Industrial Court is dissatisfied with the decision made in favour of the defendant. She may challenge the decision for an error of law within 30 days in _____.
    A. High Court
    B. Court of Appeal
    C. Sessions Court
    D. Federal Court

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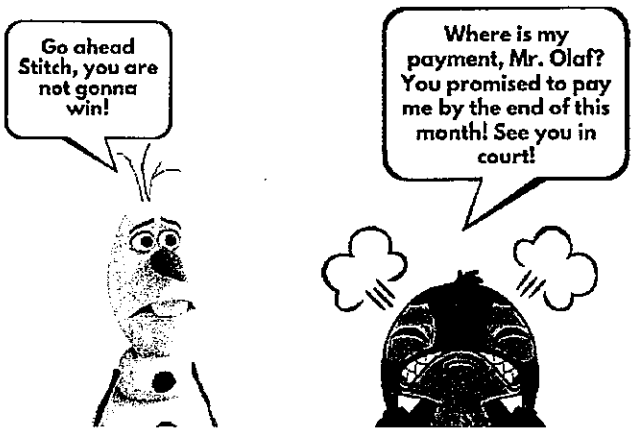
Go ahead Stitch, you are not gonna win!
Where is my payment, Mr. Olaf? You promised to pay me by the end of this month! See you in court!

Picture 4

27. Which of the following statements describe the situation of Stitch and Mr. Olaf in *Picture 4*?
    A. Stitch is the defendant while Mr. Olaf is the plaintiff.
    B. The process of initiating the legal action made by Stitch is called litigation.
    C. The case is under public law because it involves the court system.
    D. Mr. Olaf is an accused person.

28. The following statements describe written laws in Malaysia, **EXCEPT**:
    A. A subsidiary legislation cannot contravene its Parent Act and the Federal Constitution.
    B. The State Legislative Assemblies can make laws under Enactment.
    C. Any decision made by Federal Court binds all subordinate courts.
    D. An Act must be approved by the House of Representatives and House of Senate.

29. Any case heard by this court must be disposed by at least three judges or any uneven numbers. What is this court?
    A. Court of Appeal
    B. Sessions Court
    C. Magistrates Court
    D. Federal Court

30. Jasmine purchases twenty dozen of pumpkin to be supplied for Halloween from Pocahontas. Two weeks before the celebration, Pocahontas delivered ten dozen of rotten pumpkin and failed to deliver the balance of the order. Jasmine wants to take an action against Pocahontas for her loss amounting to RM2,700. She may initiate her action in _____.
    A. Martial Court
    B. Court for Children
    C. High Court
    D. Small Claims Court

Continued.....

SECTION C: STRUCTURED QUESTIONS (40 MARKS)

31. Law can be divided into several types and classification, derived from written and unwritten sources.

    a) Explain the differences between natural law and positive law.

    (10 marks)

    b) Define the following:

    (i) Act

    (2 marks)

    (ii) Enactment

    (2 marks)

    (iii) Ordinances

    (6 marks)

32. Law is a mechanism of conflict resolutions and dispute settlement through the legal system in Malaysia including quasi-judicial bodies.

    a) Explain the composition of Court of Appeal and its jurisdiction.

    (10 marks)

    b) Explain **(5) FIVE** salient features of the Consumer Claims Tribunal as one of the quasi-judicial bodies in Malaysia.

    (10 marks)

[Total: 100 marks]

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